

01-*R*-1764

Entered - 10-08-01- sb
CL 01L0634 - ALEXIS HOLMES

CLAIM OF: **THE HONORABLE STANLEY F. BIRCH, JR.**
United States Circuit Judge
United States Court of Appeals
56 Forsyth Street NW
Atlanta, Georgia 30303

For potentially hazardous conditions that exist on October 1, 2001 at
545 Mount Paran Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Gray DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0634

Date: 10/16/01

Claimant /Victim THE HONORABLE STANLEY F. BIRCH, JR., UNITED STATES CIRCUIT JUDGE

BY: (Atty) _____

Address: United States Court of Appeals 56 Forsyth Street, NW Atlanta, Georgia 30808

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 10/8/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Unspecified Place: 545 Mount Paran Road

Department: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant "Noticed" the City of a potentially hazardous condition after he observed water accumulating and covering part of the roadway. Furthermore, the claimant states that he does not want to file a formal claim, and he requested that this claim be withdrawn. The claimant's "Notice" was forwarded to the responsible parties.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

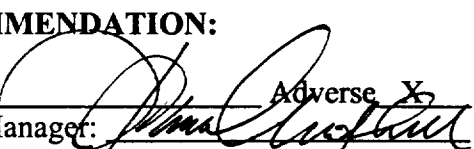
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 10-17-01 Committee Action: _____ Council Action _____

Dianne Mitchell
Robert Craig
United States Court of Appeals
66 FORSYTH STREET, N.W.
ATLANTA, GEORGIA 30303

STANLEY F. BIRCH, JR.
United States Circuit Judge

Holmes
10/08/01
(404) 335-6333 *D*

ENTERED - 10-8-01 - SB
0110634 - ALEXIS HOLMES
October 3, 2001

City of Atlanta
Water Leak Repair/Maintenance
Post Office Box 740560
Atlanta, GA 30374-0560

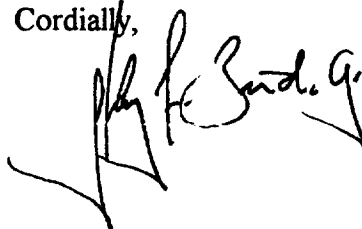
Re: Water Leak on Side of Roadway (and Across Driveway) at 545 Mount Paran Road
(Atlanta 30327)

Ladies & Gentlemen:

This is written confirmation and notice of potentially hazardous condition provided pursuant to O.C.G.A. §§ 32-4-91, 32-4-93 and 36-33-5 relative to the water leak in the immediate vicinity of the fire hydrant located within 25 feet of the mail box bearing the address "545" on Mt. Paran Road, Atlanta, Georgia 30327. The water is accumulating and covers part of the roadway and appears to be emanating from the fire hydrant area.

Telephone notice was provided to your office designated for receipt of such oral notice on 1 October 2001 to "Brenda" at approximately 3 o'clock PM. As yet no corrective action has been accomplished.

Cordially,



Stanley F. Birch, Jr.

c: Office of City Attorney

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